



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,233	10/11/2001	Teruyuki Motohashi	P/2041-64	9575

7590 09/23/2004

STEVEN I. WEISBURD, ESQ.
DICKSTEIN SHARPIRO MORIN & OSHINSKY LLP
1177 AVENUE OF THE AMERICAS-41 ST FLOOR
NEW YORK, NY 10036-2714

EXAMINER

DAO, MINH D

ART UNIT PAPER NUMBER

2682

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,233

Applicant(s)

MOTOHASHI, TERUYUKI

Examiner

MINH D DAO

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki (US 5,689,813) in view of Kosaka (US 6,687,515).

Regarding claim 1, Seki teaches a portable communication terminal with an transmission function (see fig. 1, Radio Apparatus 1), comprising: reception electric field intensity detection means for detecting a reception electric field intensity of the portable communication terminal (see fig. 1, Field Electric Intensity Detector 104; col. 2, lines 61-67); and reception electric field intensity transmission means for transmitting a reception electric field intensity representative of the detected reception electric field intensity to the opposite party of communication (col. 3, lines 10-23). However, Seki fails to teach that the portable communication terminal has an image transmission function for transmitting an image. Kosaka, in an analogous art, teaches a portable communication device capable of transmitting images (see fig. 1; col. 1, lines 31-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was

Art Unit: 2682

made to provide the teaching of Kosaka to Seki for the benefit of reducing the processing time for one portable communication device to notify the opposite end its received signal strength.

Regarding claim 2, the combination of the teachings of Seki and Kosaka teaches a portable communication terminal with an image transmission function as claimed in claim 1, further comprising reception electric field intensity transmission setting means for setting whether or not the reception electric field intensity image should be transmitted (Reference Seki, col. 5, lines 20-37).

Regarding claim 3, the combination of the teachings of Seki and Kosaka teaches a portable communication terminal with an image transmission function as claimed in claim 1, further comprising communication quality alarm image transmission means for transmitting a communication quality alarm image to the opposite party of communication when a communication quality alarm is generated in the portable communication terminal (Reference Seki, col. 5, lines 26-42). In this case, the displayed "out-of-range" of Seki combined with the image transmission capability of Kosaka reads on the generated communication quality alarm image transmission of the present invention.

Regarding claim 4, the combination of the teachings of Seki and Kosaka teaches a portable communication terminal with an image transmission function as claimed in claim 3, further comprising communication quality alarm transmission setting means for setting whether or not a communication quality alarm image should be transmitted (Reference Seki, col. 5, lines 20-37).

Allowable Subject Matter

2. Claims 5-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 5, the combination of the teachings of Seki and Kosaka teaches the limitations as that of claim 1. However, the combination fails to teach that A portable communication terminal with an image transmission function as claimed in claim 1, further comprising an image pickup section for picking up an image, and wherein the reception electric field intensity image transmission means transmits the reception electric field intensity image together with an image picked up by the image pickup section. As specified in the claim.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Ray (US 6,192,257) discloses Wireless Communication terminal Having Video Image Capability.
- B. Obayashi et al. (US 5,630,209) discloses Mobile Radio Communication Apparatus With Synchronized Reception Recovering Function.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D DAO whose telephone number is 703-305-5589. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN C CHIN can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/975,233

Page 6

Art Unit: 2682

Minh Dao

Art unit 2682

September 17, 2004 *non*

[Signature]
9/20/04
LESTER G. KINCAID
PRIMARY EXAMINER